

Patent
Attorney Docket: 895,080-008

REMARKS

In response to Decision On Appeal by the Board of Patent Appeals and Interferences mailed on March 24, 2005, Applicants submit herewith a Request for Continued Examination (RCE) and an Amendment and Response.

In response to Applicant's past arguments that U.S. Patent No. 4,809,269 to Gulick teaches the exact opposite of tagging but not terminating the words that overrun the buffer, the Examiner takes the position that this subject matter is described in Gulick in view of U.S. Patent No. 5,341,476 to Lowell. The examiner relies on Gulick Column 24, lines 15-24 and Column 24, lines 46-56 for the proposition that "when buffer overrun occurs, the bytes that overrun the buffer are dropped and the last byte in the buffer is tagged wherein the tagging of the byte signals the system to empty the buffer." The examiner further argues that Lowell "remed[ies] the deficiency of Gulick in order to arrive at the claimed buffer overrun prevention logic" by teaching that the overrun data can overwrite either the youngest data in the buffer or the oldest data in the buffer.

Applicant respectfully submits that this reference to Gulick's use of a tag to signal the system empty the buffer, does not render obvious logic tagging of the words that overrun the buffer with a unique value indicative of the overrun condition. Gulick simply tags the last byte to enter the FIFO in order to empty the buffer. Nowhere in the reference does Gulick mention the use of a unique tag to signal the overrun condition.

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CONCLUSION

Applicant respectfully asserts that the claims are now in condition for allowance. Prompt and favorable action on the merits of the claims is therefore earnestly solicited. The Commissioner is authorized to charge Deposit Account No. 50-2862 \$ 790.00 for the RCE filing fee and any additional fees necessitated by this Amendment or papers enclosed herewith. If any minor issues remain, please call Applicants' undersigned representative at (949) 737-2900.

Respectfully submitted,

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Dated: May 24, 2005

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PATENT TRADEMARK OFFICE

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